

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3248 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

A. J. SHAH

Versus

STATE OF GUJARAT & ORS.

Appearance:

MR DF AMIN for Petitioner

MR NIGAM SHUKLA for Respondents No.1 & 2

None present for Respondent No.3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 14/08/96

ORAL JUDGMENT

Heard learned counsel for the petitioner. There is no dispute that the petitioner was given the selection scale grade on the post of Sub Auditor with effect from 16.9.67. The selection scale of the said post was Rs.425-640. The promotion of the petitioner, thereafter, has been made to the post of Auditor under the order dated 18.1.82. The pay scale of the post of Auditor was

Rs.425-800. Challenge has been made by the petitioner in this Special Civil Application to the order dated 6.7.83 under which he was ordered to be reverted to the lower post in the pay scale of Rs.330-560.

2. When the petitioner was already working in the pay scale of 425-600 (selection scale of Sub Auditor), this reversion order may not have been given all consequential effects except the status, but the order dated 6.7.83 has made a specific reference that the reversion has been made from the higher scale to the scale of Rs.330-560, which should not have been done. The petitioner has apprehension that his pay may be reduced. The learned counsel for the petitioner contended that this position may only be clarified as nothing more survives in this Special Civil Application at this stage.

3. In the result, this Special Civil Application is disposed off in terms that in case the petitioner was already given selection scale of the post of Sub Auditor, i.e. Rs.425-640, then in pursuance of the order dated 6.7.83, there is no question of fixing his pay in the lower pay scale of Rs.330-560. Rule is disposed of in aforesaid terms with no order as to costs.

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(sunil)